

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BEAU A. SMITH, )  
 ) CASE NO. C08-0823-JCC  
Plaintiff, )  
 )  
v. )  
 ) ORDER DENYING PETITIONER'S  
JEFFREY A. UTTECHT, ) HABEAS PETITION WITH  
 ) PREJUDICE  
Defendant. )  
\_\_\_\_\_ )

The Court, having reviewed petitioner's petition for writ of habeas corpus (Dkt. No. 16), respondent's answer thereto (Dkt. No. 42), the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 46), and the balance of the record, does hereby find and ORDER:

- 1) The Court adopts the Report and Recommendation (Dkt. No. 46);
- 2) Petitioner's habeas petition is DENIED and this action is DISMISSED, with prejudice;
- 3) Petitioner is DENIED issuance of a certificate of appealability, and

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01 4) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
02 respondent, and to Judge Theiler.

03 DATED this 8th day of October, 2010.

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07 John C. Coughenour  
08 UNITED STATES DISTRICT JUDGE  
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